

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JUSTIN CHRISTOPHER MOORE,
Defendant.

No. MJ21-628

COMPLAINT FOR VIOLATION

26 U.S.C. §§ 5861(d) and 5845(a)(8)

BEFORE the Honorable Brian A. Tsuchida, United States Magistrate Judge,
United States District Courthouse, Seattle, Washington.

COUNT 1

(Unlawful Possession of Destructive Devices)

On or about September 7, 2020, at Seattle, within the Western District of
Washington, JUSTIN CHRISTOPHER MOORE did knowingly possess destructive
devices, that is, incendiary devices known as a Molotov cocktails, that were not
registered to him in the National Firearms Registration and Transfer Record.

All in violation of Title 26, United States Code, Sections 5861(d) and 5845(a)(8).

The undersigned complainant, Katherine Murphy, Special Agent, being first duly
sworn on oath, hereby deposes and says:

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TRAINING AND EXPERIENCE

I am a Special Agent with the Federal Bureau of Investigation (FBI). As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the federal criminal laws. I have been a Special Agent with the FBI for approximately four years.

I am currently assigned to the Seattle Field Office and assigned to investigate domestic terrorism matters. During my service with the FBI, I have investigated and participated in the investigations of criminal activity, including but not limited to, crimes against persons, crimes against property, and conspiracy against civil rights. During these investigations, I have participated in the execution of search warrants and the seizure of evidence indicating the presence of criminal violations. As an FBI Special Agent, I have also conducted or participated in physical surveillance, debriefings of informants, and reviews of records and recordings. From these experiences, and from related training, I have become familiar with the ways in which persons coordinate, carry out, and conceal criminal activity. Additionally, I have completed training in investigating the use of computer systems and email in the commission of criminal activity.

This affidavit is made based upon my personal knowledge, training, experience, and investigation, as well as upon information provided to me and my review of reports prepared by other law enforcement personnel. This affidavit is made for the purpose of establishing probable cause for this Complaint and thus does not include every fact known to me concerning this investigation.

PROBABLE CAUSE

A. Summary of Investigation.

In early September 2020, Conspirator 1 and Conspirator 2 developed a plan to attack the Seattle Police Officers Guild building with Molotov cocktails. They planned the attack to take place on Labor Day 2020 (September 7, 2020) to coincide with a scheduled demonstration at the SPOG. Conspirator 1 and Conspirator 2 attempted to find

1 others to join their plan, ultimately connecting with Conspirator 3 and Justin Christopher
2 Moore. On September 7, 2020, Conspirator 1, Conspirator 2, Conspirator 3, and Moore
3 attended the demonstration and marched to the SPOG building as part of a large crowd.
4 Moore was carrying a Corona box containing 12 Molotov cocktail devices, made of glass
5 beer bottles filled with gasoline with bandanas installed as wicks. Moore abandoned the
6 box in the vicinity of the SPOG after Seattle Police Department (SPD) officers moved in
7 to disperse the crowd. An SPD officer recovered the box of Molotov cocktails shortly
8 thereafter. This Complaint charges Moore with the unlawful possession of the Molotov
9 cocktails and outlines the related plan to attack the SPOG building.

10 **B. The Arrest of Conspirator 1 and Recovery of his iPhones.**

11 On September 26, 2020, SPD officers arrested Conspirator 1 after he set a
12 dumpster on fire during a protest outside of the SPD East Precinct. Conspirator 1 and
13 others in the crowd were wearing all black clothing (“black bloc”) and had various items
14 such as helmets, respirators, gloves, and shields. Conspirator 1 and others moved trash
15 cans and dumpsters into the roadway, creating a barricade between themselves and
16 responding SPD officers. Conspirator 1 then set the contents of a dumpster on fire and
17 was arrested shortly thereafter. Conspirator 1 had an iPhone on his person at the time of
18 his arrest.

19 Three days earlier, during another protest on September 23, 2020, SPD officers
20 recovered an iPhone at the scene of an assault. During the assault, an unidentified
21 assailant (later determined to be Conspirator 1) attacked an SPD officer with a baseball
22 bat. The assailant dropped the recovered iPhone at the scene of the assault prior to
23 fleeing the area. SPD officers executed search warrants on the phone recovered from the
24 assault scene and the phone recovered from Conspirator 1 and determined that both were
25
26
27
28

1 assigned the same telephone number and were linked to an email account used by
2 Conspirator 1.¹

3 **C. Conspirator 1's Communications Over Signal.**

4 The search of Conspirator 1's smartphones resulted in the recovery of Conspirator
5 1's communications over the messaging application Signal.² Conspirator 1 used Signal
6 to communicate with Conspirator 2³ and others about criminal activities.

7 For example, on the afternoon of September 1, 2020, Conspirator 1 and
8 Conspirator 2 discussed their plan to attack the SPD East Precinct later that night with
9 Molotov cocktails:

10 Conspirator 1: *"Yea I'm headed down there now"*

11 Conspirator 1: *"Where are we gonna meet"*

12 Conspirator 2: *"At cal [Cal Anderson Park] I can meet you"*

13 Conspirator 2: *"What's needed for the cocktails"*

14 Conspirator 1: *"Gas, mid-sized bottle, wicc, rag"*

15 Later that night, surveillance footage and other video documentation captured
16 Conspirator 1 and Conspirator 2 (both dressed in "black bloc" attire) throwing Molotov
17 cocktails at the SPD East Precinct. The device Conspirator 1 threw went over a fence
18 and struck the East Precinct building, resulting in the spread of flames. The device
19 Conspirator 2 threw appears not to have cleared the fence.

22
23 ¹ The King County Prosecuting Attorney's Office subsequently filed an Information charging Conspirator 1 with
24 Attempted Arson in the First Degree; Assault in the First Degree; and Reckless Burning in the First Degree. The
charges against Conspirator 1 remain pending.

25 ² Signal is an end-to-end encrypted messaging application that enables users to securely share text, voice messages,
26 photos, videos, GIFs, and files over their phone's data connection. Signal provides several features, including the
27 ability to create group chats and to have messages automatically delete after a specified period. To use Signal, a
user installs the Signal application to their mobile device and establishes a user profile with the phone number
assigned to the mobile device and a user-provided name.

28 ³ Conspirator 2's Signal account was set up under her known direct-dial work telephone number.

1 The following day, Conspirator 1 and Conspirator 2 discussed the events over
2 Signal:

3 Conspirator 2: *"I know I was an idiot who threw it at and not over lmao"*

4 Conspirator 1: *"Lol I mean yea but you know for next time lol. I think we were
5 both nervous as fuck and so year but next time you'll get it"*

6 **D. The Seattle Police Officers Guild.**

7 The Seattle Police Officers Guild (SPOG) is the largest police labor union in the
8 Pacific Northwest. According to its website, the SPOG represents over 1,300 members
9 including all the officers and sergeants serving on the SPD. The SPOG headquarters is in
10 the building at 2949 Fourth Avenue South, in Seattle. During the Summer of 2020, the
11 SPD and the SPOG were focal points of regular demonstrations and, on multiple
12 occasions, were targeted in acts of violence and property destruction.⁴

13 //

14 _____
15 ⁴ The SPOG is involved in interstate and foreign commerce and in activities affecting interstate and foreign
16 commerce. For example: (a) the SPOG is a member of the United Coalition of Public Safety ("UCOPS"), a national
17 organization comprised of approximately 20 police unions from at least seven states across the United States
18 representing more than 38,000 law enforcement officers, with the President of the SPOG concurrently serving as the
19 Treasurer of UCOPS; (b) the SPOG provides space within its building to Crime Stoppers, a national organization
20 that spans the United States to create a network of local programs that work together to prevent and solve crimes in
21 communities and schools across the nation; (c) the SPOG also provides space within its building to Code 4
22 Northwest, a crisis response and referral network for Washington State active and retired first responders, EMS,
23 corrections, civilian support personnel, and their families; (d) the SPOG accepts and processes payments and
24 donations from individuals located outside of the State of Washington by providing a link on its website to the
25 national www.stopdefunding.com campaign; and (e) the SPOG provides benefits to its members including insurance
26 coverage from insurance companies located in Oregon and California.

27 The Seattle Police Department itself also is involved in interstate and foreign commerce and in activities affecting
28 interstate and foreign commerce. *See United States v. Odom*, 252 F.3d 1289, 1294 (11th Cir. 2001) ("The legislative
history of § 844(i) reveals that the statute was crafted specifically to include some non-business property such as
police stations and churches.") (citing *Russell v. United States*, 471 U.S. 858, 860 (1985)); *United States v. Laton*,
352 F.3d 286, 300 (6th Cir. 2003) ("When it crafted § 844(i) to encompass the arson of police stations, Congress
recognized that the provision of emergency services by municipalities can affect interstate commerce in the active
sense of the phrase.") (citing *Jones v. United States*, 529 U.S. 848, 853 n.5 (2000); *Russell*, 471 U.S. at 860–61);
Belflower v. United States, 129 F.3d 1459, 1462 (11th Cir.1997) (holding that § 844(i) covered the bombing of a
police vehicle which a local sheriff's deputy used in his law enforcement responsibilities and that destruction of a
police car had "a significant impact on interstate commerce" because the deputy patrolled traffic and made arrests on
an interstate highway, issued citations to out-of-state drivers, participated in interstate narcotic investigations,
assisted out-of-state authorities in apprehending suspects, recovered stolen property from other states, and attended
law enforcement training sessions in other states).

E. The Conspiracy to Commit an Arson Attack at the SPOG on Labor Day.

Conspirator 1 and Conspirator 2 used Signal to formulate a plan to conduct an arson attack at the SPOG using Molotov cocktails. They planned the attack to take place on Labor Day 2020 (September 7, 2020) to coincide with a scheduled demonstration at the SPOG.

On September 1, 2020, Conspirator 2 told Conspirator 1 that they should get “10-15 of them ready,” referring to manufacturing Molotov cocktails. Conspirator 1 agreed and suggested that they needed to recruit more people to assist.

On September 2, 2020, Conspirator 1 and Conspirator 2 continued to discuss the plan over Signal:

Conspirator 1: *“How many Molotovs are you thinking we should have by Labor Day. Cuz we shouldn’t over use our resources ya dig?”*

Conspirator 2: *“Well we should count on a couple failing but as long as we plan it right it can be cost effective.”*

Conspirator 2: *“I think 10”*

Conspirator 1: *“Definitely agree with that. Im really hoping we can get fireworks cuz they’re preeeeeety. Yea ten sounds good. We’ll need help storing them.”*

Conspirator 2: *“Yeah we will well I have someone else who wants to help”*

Conspirator 2: *“As well. Still vetting them out”*

Conspirator 1: *“So I have a question: are we trying to take down the building or just send a message by throwing them at the outside of the building?”*

Conspirator 2: *“By take down what do you mean?”*

Conspirator 2: *“Like completely demolish it?”*

Conspirator 1: *“Like literally have the building fall”*

Conspirator 1: *“To the ground”*

Conspirator 2: *“I don’t think we could without [dynamite emoji]”*

Conspirator 2: *“That takes a lot of power”*

1 Conspirator 1: *"Well I have an idea"*

2 Conspirator 1: *"Are you open to it"*

3 Conspirator 2: *"What's your idea"*

4 Conspirator 1: *"So my idea is that some ppl throw rocks at the windows, break*
5 *them, then Molotov throwers throw them into the windows. That's literally how*
6 *ppl/me took down the youth detention center on J25"*⁵

7 Conspirator 2: *"Okay sure but we need more people"*

8 On September 3, 2020, Conspirator 1 and Conspirator 2 continued to discuss plans
9 for the Labor Day arson attack at the SPOG and their need to recruit other individuals to
10 assist:

11 Conspirator 2: *"Who did you do that [J25] with?"*

12 Conspirator 2: *"We need those people to help us"*

13 Conspirator 1: *"I actually don't know who they were...I wish I could connect with*
14 *them and see if they could help us..."*

15 Conspirator 2: *"...Well I think I know two people who are a part of it that you may*
16 *know..."*

17 *****

18 Conspirator 1: *"Maybe ask them if they would be interested in helping with direct*
19 *action and not say anything else and then if they were cool with that then see what*
20 *their comfort level is and then based on that see if they would be useful for our*
21 *agenda. Does that make sense?*

22 Conspirator 2: *"Yeah they probably know you better than me"*

23 Conspirator 2: *"You always wear all black haha and have been to the endd more"*

24 Conspirator 1: *"I honestly don't know a lot of ppl but I'm willing to talk to them if*
25 *you send them my way"*

27 ⁵ I believe "J25" refers to a demonstration that took place on July 25, 2020, at the King County Youth Service
28 Center in Seattle. Civil disorder ensued, including property damage and arsons of construction trailers at the facility.
A review of surveillance video revealed multiple individuals damaging the trailers before they caught on fire.

1 Conspirator 2 then sent Conspirator 1 profiles for two Instagram pages that
 2 investigators have identified as being used by Conspirator 3 and Conspirator 4.
 3 Conspirator 1 agreed to contact them to see if they were interested in helping and “up for
 4 the task.”

5 On September 3, 2020, Conspirator 1 and Conspirator 3 communicated over
 6 Signal:

7 Conspirator 3: *“We helped with the fires at the youth jail. I painted the banner for*
 8 *the crane crime and distracted the security and police. I’ve been to a few endd*
 9 *events, but they mostly use me as war council and supplies”*

10 Conspirator 3: *“Do you know **potato**?”*⁶ (emphasis added)

11 Conspirator 1: *“Oh, I was also apart of the youth jail fires. Hell yea dude. That’s*
 12 *fucking awesome. I was the one who Molotov the east precinct and other then that*
 13 *I’ve broken window for other people to do DA [direct action] and I tag all over*
 14 *the place. I’m trying to do more DA tho.”*

15 Conspirator 1: *“And no I don’t know **potato** at least from the name”* (emph. added)

16 Conspirator 3 told Conspirator 1 that “real destruction needs to be done in small
 17 groups secretly.” Conspirator 1 explained that he was looking for others to help his
 18 group:

19 Conspirator 1: *“Yea we’re a bunch of rookies compared to you so whatever you*
 20 *can do to help out that would be awesome. Rn [right now] we’re looking to do*
 21 *something huge at SPOG do you have any ideas that can be done fast and*
 22 *timely?”*

23 Conspirator 3: *“As a matter of fact I do”*

24 Conspirator 3: *“Water guns, gasoline, flame thrower.”*

25 Conspirator 3: *“You have to plan entrance and exit tho.”*

26 Conspirator 3: *“You have to block off the street almost.”*
 27

28 ⁶ As described further below, “Potato” is a known moniker/nickname for defendant Justin Christopher Moore.

1 Conspirator 1: *"You cool if I add you to a mini group with one other person*
2 *besides you and me"*

3 Conspirator 3: *"Oh you need a lot more people than that."*

4 On September 3, 2020, Conspirator 1 and Conspirator 4 had a similar conversation
5 over Signal, relating to the planned Labor Day attack at the SPOG:

6 Conspirator 1: *"So I am in a little group which is trying to do some water damage*
7 *at the Labor Day march. We would love ur help if ur interested"*

8 Conspirator 4: *"Potentially! What's the plan? I may be able to link you up with*
9 *some ENDD folks if the plan is solid"*

10 Conspirator 1: *"What we want to do is have rocks thrown at the windows and then*
11 *a second group who would throw Molotovs to burn the building down. We would*
12 *have another group of umbrella ppl to block us"*

13 Conspirator 4: *"Right on, I'd be possibly down to participate, just gotta make sure*
14 *the budz are on board. Would you be willing to meet in person in the next couple*
15 *days with some like 2-3 of us just so we can sorta vet each other and such?"*

16 Conspirator 1: *"Yea and I'll see if my little group can join with that so we can all*
17 *meet up. How does Sunday sound?"*

18 Conspirator 4: *"Sunday should work, I'll work on coordinating on my end. Thanks*
19 *for the heads up!"*

20 On September 4, 2020, Conspirator 1 and Conspirator 4 communicated over
21 Signal and agreed to meet the following day at Seattle Central College. They also
22 exchanged the following messages:

23 Conspirator 1: *"Do you or ur friend by chance have fireworks"*

24 Conspirator 4: *"I don't but we may be able to get a hold of some"*

25 Conspirator 1: *"That would be great"*

26 Conspirator 4: *"I'll see what we can do"*

27 Conspirator 1: *"Thanks"*

28 Conspirator 1: *"Do you have gasoline and or rags that we could use"*

1 Conspirator 4: *"I don't but I feel like this would be better discussed in person"*

2 Conspirator 1: *"That's very tru. We'll talk tmr"*

3 On September 4, 2020, Conspirator 2 and Conspirator 1 confirmed that they would
4 meet with Conspirator 4 the next day, and discussed procuring supplies for Molotov
5 cocktails:

6 Conspirator 2: *"For supplies we need vodka and gasoline. If your fund covered
7 that this would be awesome. I could buy the vodka but some big gallons are cheap
8 and we could ask [Conspirator 4] if they have any"*

9 Conspirator 1: *"Yea I'm not able to buy vodka cuz I'm still a minor. I'll see if I
10 can buy some gas."*

11 Conspirator 2: *"I can buy the vodka . . . is what I was saying"*

12 Conspirator 1: *"Ah okay that makes sense. Yea and I'll look for the gasoline
13 unless [Conspirator 4] already has some"*

14 Conspirator 2: *"Yeah I hope so that would be awesome and [rags] as well"*

15 Conspirator 1: *"Definitely. I'll see what I can do"*

16 On September 5, 2020, prior to meeting with Conspirator 4, Conspirator 1 and
17 Conspirator 2 arranged to meet at a Denny's restaurant "right by SPOG" for the purpose
18 of scouting out the area. Signal messages confirm that they later met with Conspirator 4.

19 That evening, Conspirator 1 and Conspirator 2 discussed their meeting with
20 Conspirator 4 and continued to discuss their plan for Labor Day:

21 Conspirator 1: *"I'm gonna be buying rags after work and then also my work sells
22 a big American flag would you maybe wanna set it on fire? I'm also trying to find
23 gasoline"*

24 Conspirator 1: *"And fireworks"*

25 *****

26 Conspirator 1: *"So I guess we are working with [Conspirator 3]?"*

27 Conspirator 2: *"Yes and we need more people"*

1 Conspirator 1: *"Okay. Well you told me to be careful with recruiting so if I find*
 2 *anyone I'll see if they are willing to talk to you as well. Is that cool with you?"*

3 Conspirator 2: *"Yeah just go through me, I'll vet them."*

4 On September 6, 2020, Conspirator 1 and Conspirator 2 continued their
 5 conversation over Signal:

6 Conspirator 2: *"Well it looks like [Conspirator 3] is getting gasoline. So vodka*
 7 *I'm thinking. Can you touch base with him."*

8 Conspirator 1: *"Yeah I'll see what I can do. Btw I have rag like things for*
 9 *Monday. Make sure you bring that ducktape far Monday cuz we'll need it"*

10 Conspirator 2: *"Yes make sure we have enough cover to do so. [] I called*
 11 *[Conspirator 3] yesterday. "Working right now can you call him and get on the*
 12 *same page. He says he'll have ppl meet us there"*

13 Conspirator 1: *"Yea lemmy see if he's available to call. And get on the same page*
 14 *with him."*

15 Conspirator 1: *"[Conspirator 3] and I are gonna get supplies tonight and it*
 16 *sounds like we're on the same page"*

17 Conspirator 2: *"Okay sounds good. Thanks for updating me, where at?"*

18 Conspirator 1: *"Idk somewhere in Seattle. I'll ask him where we're going"*

19 Conspirator 2: *"Okay please be safe and smart."*

20 Signal messages between Conspirator 1, Conspirator 2, and Conspirator 3 confirm
 21 that Conspirator 1 and Conspirator 3 met together later that evening.

22 **E. SPD Officers Recover 12 Molotov Cocktails Near the SPOG on Labor Day.**

23 On September 7, 2020, a crowd of approximately 1,000+ individuals participated
 24 in a demonstration at the SPOG. The demonstration was broadcast live online via several
 25 individuals who regularly streamed protest activities, including streamers using the
 26 monikers *RebellionBaby* and *Malcontentment Tango*. The events also were observed by
 27 numerous responding SPD officers and undercover law enforcement personnel who were
 28 part of the crowd.

The crowd marched south on Fourth Avenue and eventually stopped in front of the SPOG building. Due to a variety of factors, including that there were reports of gasoline smells in the immediate area, SPD officers moved in to disperse the crowd. Numerous members of the crowd then marched north and east and ended up in Judkins Park.

At approximately 6:30 p.m., shortly after the crowd dispersed from the SPOG, an SPD officer located a 12-pack Corona box on the ground in the parking lot of the Orient Express, a property immediately adjacent to the SPOG. The Corona box contained 12 Molotov cocktail devices, made of glass beer bottles filled with gasoline with bandanas installed as wicks.



6:58 PM · Sep 7, 2020 · Twitter for Android

Investigators subsequently reviewed surveillance and live-stream video footage and determined that a particular individual, depicted below in *Figure 1* and *Figure 2*, was carrying the Corona box in the vicinity of the SPOG building. As set forth below, this individual was subsequently identified as defendant Justin Christopher Moore.



Figure 1



Figure 2

F. Observations of Moore and Conspirators 1, 2, and 3 on Labor Day.

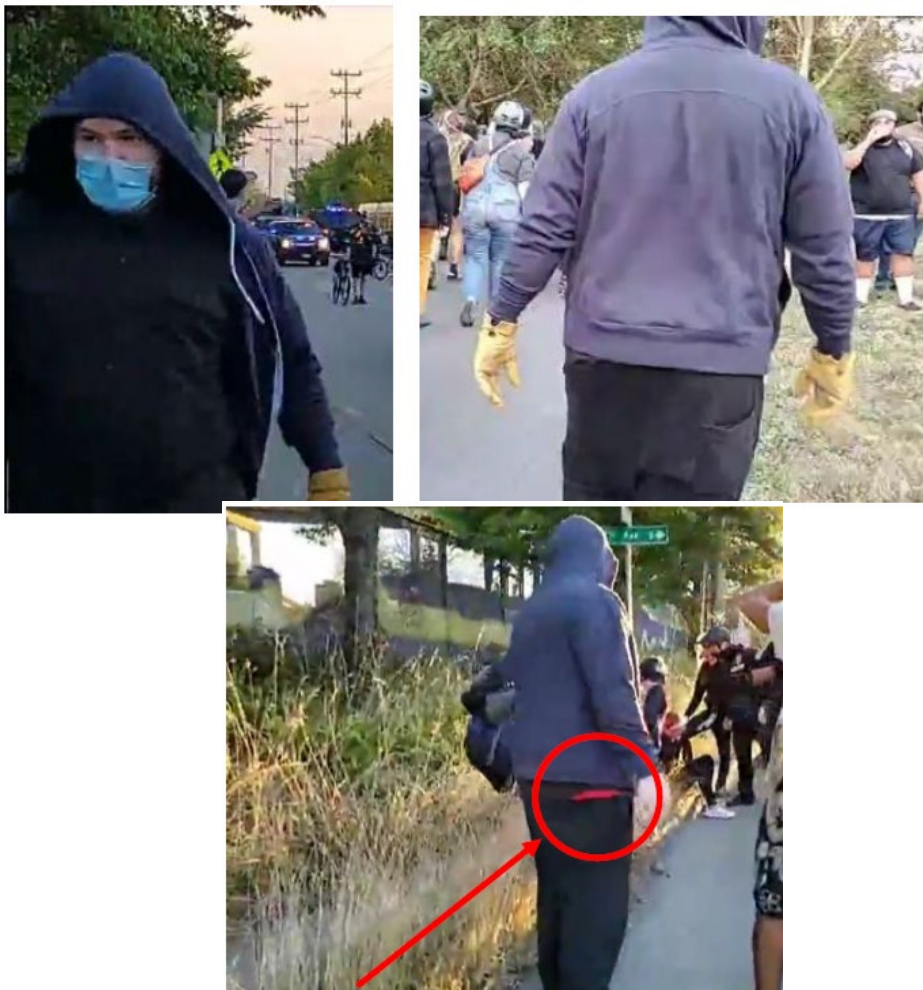
A review of surveillance and live-stream video footage confirms that Conspirator 1, Conspirator 2, and Conspirator 3 were present at the SPOG protest on Labor Day 2020, as they had planned over Signal. The footage also shows that Moore was at the SPOG protest, often seen interacting with Conspirator 3. A summary of the footage is set forth below.

As the crowd moved south on Fourth Avenue towards the SPOG, Conspirator 1, Conspirator 2, and Conspirator 3 can be seen walking together and communicating with each other near the front of the crowd.⁷ At this time, Moore was walking toward the back

⁷ Although Conspirator 1 and Conspirator 2 were wearing black bloc attire, they are recognizable by various items of clothing and accessories that they regularly wore to multiple protests; several of these items were later recovered in their possession. Similarly, Conspirator 3 is recognizable by items he wore and that he has been seen wearing on other occasions when not in black bloc attire. In addition, as set forth below, witnesses have positively identified Conspirator 1, Conspirator 2, and Conspirator 3 as being the individuals depicted at the SPOG protest.

1 of the crowd carrying the Corona box full of Molotov cocktails. They all arrived at the
2 SPOG building along with the larger crowd.

3 After the crowd was dispersed from the SPOG, Conspirator 2 appears to have been
4 separated from the rest of the group. Conspirator 1 and Conspirator 3 can be seen
5 walking together on the sidewalk. Shortly thereafter, Conspirator 3 and Moore met up
6 and walked together to Judkins Park. At this point, Moore was no longer carrying the
7 Corona box. Moore was wearing a dark blue hooded zip-up jacket with white
8 drawstrings; a black colored button-down shirt with two breast pockets; tan leather work
9 gloves; black pants; a blue surgical mask; and distinctive black running shoes with dark
10 soles and black elastic laces. At one point, a red t-shirt is visible sticking out from
11 underneath Moore's blue jacket and black shirt.



Moore's red shirt.

1 When they arrived at Judkins Park, video footage shows Moore taking off his
2 outer clothing. Moore was left wearing a red t-shirt with white lettering across the chest
3 and khaki shorts. At one point, Conspirator 1 and Conspirator 3 can be seen standing
4 together on the edge of Judkins Park. Later, Conspirator 3 and Moore can be seen
5 leaving the area together at approximately 7:44 p.m.

6 **G. Identification of Moore as the Person Who Possessed the Molotov Cocktails.**

7 **1. Information Provided by Witness 1.**

8 On May 28, 2021, Renton Police Department officers responded to a house in
9 Renton to investigate a domestic dispute between Justin Moore and his roommate,
10 Witness 1. The incident began as a verbal dispute and ultimately resulted in a physical
11 confrontation between Moore and Witness 1. Witness 1 told officers that Moore was a
12 dangerous person. As an example, he stated that Moore was the person who brought a
13 Corona box of Molotov cocktails to the SPOG demonstration on Labor Day 2020.

14 The Renton Police Department officers provided this information to the FBI. FBI
15 agents subsequently interviewed Witness 1 on multiple occasions. Witness 1 explained
16 that he met Moore during the summer of 2020 because they were both involved in the
17 “Seattle protest scene.” Witness 1 stated that Moore used the moniker “Potato” with
18 others in the protest scene. In December 2020, Witness 1 and Moore moved into the
19 Renton house as roommates. Witness 1 described Moore as an “extremist” who was
20 “crazy” and “dangerous.” According to Witness 1, Moore regularly handed out gear to
21 protestors – such as gas masks and helmets – with the intent to enable protestors to be
22 more confrontational with law enforcement.

23 Witness 1 described his knowledge and involvement in the events of Labor Day
24 2020. Witness 1 attended the SPOG protest along with Conspirator 4. According to
25 Witness 1, as the march was moving toward the SPOG building, Moore approached
26 Witness 1 and Conspirator 4. Moore was carrying a box of Corona bottles that smelled
27 strongly of gasoline. Moore was bragging and Witness 1 told Moore that he was crazy
28 for bringing that to the protest. After the demonstration, Moore told Witness 1 that he

1 was disappointed because he had to “ditch the box” after the police dispersed the crowd
 2 and “didn’t get to throw any,” referring to the Molotov cocktails.

3 Witness 1 stated that Moore was wearing a blue hoodie and tan gloves at the
 4 protest. Witness 1 also stated that Moore changed out of these clothes after the protest.
 5 Agents showed Witness 1 *Figure 3* and *Figure 4* below. Witness 1 confirmed that Moore
 6 is the individual wearing the dark blue jacket in *Figure 3* and the red t-shirt in the bottom
 7 right corner of *Figure 4*. Witness 1 stated that he had no doubt the suspect was Moore,
 8 explaining, “Of course I can ID the guy that I’ve been living with for over six months.”



17 *Figure 3*



18 *Figure 4*

19 Witness 1 further stated that Moore spent time with other persons involved in the
 20 protest scene, including Conspirator 4 and a person known to Witness 1 as “Ash” (who is
 21 known to investigators as Conspirator 3). Witness 1 was shown various photographs
 22 from the Labor Day protest and identified “Ash” as being in several of the photos.

23 Witness 1 further reported that he was present for a meeting between
 24 Conspirator 4, “the kid who hit the officer with a bat” (Conspirator 1), and “a short,
 25 Spanish female with tattoos” (Conspirator 2) at Seattle Central College prior to
 26 Labor Day 2020. According to Witness 1, at the meeting, Conspirator 4 asked
 27 Conspirator 1 and Conspirator 2 if they had someone who would get Molotov cocktails
 28 for the Labor Day event, and Conspirator 1 confirmed they would have them.

Conspirator 1 asked Conspirator 4 if he could acquire any fireworks. Witness 1 stated that Conspirator 4 had later told him that Moore and Conspirator 1 met together prior to Labor Day. Witness 1 understood that this meeting took place at the Seattle arboretum.

2. Search Warrant Executed at Moore's Residence and Vehicle.

On June 28-29, 2021, SPD officers executed search warrants on Moore's residence in Renton (the one he shared with Witness 1) and a Hyundai Elantra vehicle Moore was known to drive. According to the landlord of the property, Moore was the sole tenant on the lease, and he subleased part of the house to Witness 1 and another individual. The Hyundai Elantra was owned by CarMax; records reflect that Moore was using the vehicle as a "loaner" while CarMax was repairing Moore's vehicle.

In the vehicle, officers recovered a smartphone;⁸ paperwork in Moore's name; and black pants consistent with the pants that the Molotov cocktail suspect wore on Labor Day 2020. Officers also recovered from the vehicle a spiral notebook containing numerous pages of writings.⁹ Some pages of the notebook contained a list of ingredients that, based on my training and experience, appear to be related to the manufacture of explosives, including, "ping pong balls, matchbooks, Rocket candy, black powder, scale, potassium nitrate, magnesium, masking tape." The notebook also contained what appear to be recipes for manufacturing explosives, including: "Smoke mix, 60/40, 60 rocket candy, 40 black powder, flash mix 70/30, potassium nitrate, magnesium."¹⁰

⁸ Follow-up investigation of the smartphone confirmed that it was registered in Moore's name. A subsequent court-authorized search of the phone revealed several SMS conversations in which the user of the phone was referred to by others as "Tater" (Potato).

⁹ The notebook contains multiple references to information consistent with Moore being the author of the writings. For example, there are entries about contacts Moore is known to have had with the U.S. Department of Veterans Affairs and the Renton Housing Authority, and information about a bank account that Moore is known to use.

¹⁰ Based on my training and experience, and that of other FBI agents with whom I have consulted, I understand that the term "rocket candy" refers to a low explosive compound comprised of potassium nitrate and sugar, frequently used in hobby rocket engines. The term "black powder" refers to a low explosive compound that can be commercially manufactured or improvised. Commercial black powder is typically comprised of 75% potassium nitrate, 15% charcoal, and 10% Sulfur. The term "Smoke Mix" is not a term in common usage, although open sources recommend making a smoke-producing mixture with 60% potassium nitrate and 40% sugar. "Flash mix" is similarly not a term in common usage though it may refer to flash powder. Flash powder is an explosive material

1 The notebook contained numerous pages of additional writings, including:

2 If anyone should read these words ... please know that I am not 50/150. I
 3 have a sane and sound mind. I just intend to die. Some are borne to be
 4 parents ... I am not. Some are borne to be leaders ... I am not. Some are
 5 borne to be followers ... I am not. Some are borne to be evil men ... If I am
 6 not careful I will be this ... but I do not believe this to be my destiny. Some
 7 men are borne to kill ... that is what I am. I am a killer. I have killed. This is
 8 not some bold and blond guess as to what I am. It is an observation of
 9 reality.

10 *****

11 I am an individual that will no doubt be of historical interest. This is not an
 12 attmittance [sic] of arrogance ... Simply an observation of my activity.

13 *****

14 I have fought for civil in 5 cities in the United States. I have done this with
 15 wisdom that almost none have. I have training and experience [sic] in this
 16 fight...on both sides. I have chosen my side before I fought for either.
 17 displeased in my progress. I need more honor before my fighting days are
 18 done. I bow before no God. I bow before no government or any other force
 19 than the natural unstoppable forces of physics. Outside of that my only
 20 concern is to win the fight. I plan to die ... and prepare to live and kill.

21 *****

22 There are always things I can't say ... So know this ... I am not done yet.
 23 There is darkness in my mind that I must see reflected ... where else but this
 24 paper. I'm wired to kill. I can't stop what I feel. If I could I wouldn't still I
 25 march to die and I'm never asking why.

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intended to produce an audible report and flash of light when ignited. The pyrotechnic industry standard recipe for flash powder is 70% potassium perchlorate and 30% aluminum powder by weight.

In Moore's bedroom within the residence, officers recovered Moore's driver's license; paperwork in Moore's name; a hardware receipt in the name of Conspirator 3; and a distinctive black button-down dress shirt and red t-shirt with white screen printing, both of which are consistent with the suspect's attire on Labor Day 2020. (See the below comparison photographic exhibit). Near the front door of the residence, officers also recovered black athletic shoes with elastic laces, again consistent with the Labor Day suspect's attire.^{11 12}



¹¹ An undercover FBI Special Agent who was in the crowd on Labor Day 2020 closely observed the suspect who was carrying the Corona box. The agent took note of the clothing the suspect was wearing, in particular the black athletic shoes. The agent has observed the shoes seized from Moore's residence and is confident that they are the same style of shoe worn by the suspect on Labor Day.

¹² On January 6, 2021, Moore was arrested by SPD officers after breaking into the Starbucks in Pike Place Market during a protest. Booking photos and police reports document that Moore was wearing a black collared button-down shirt and black shoes with dark soles and black elastic laces, consistent both with the items worn by the suspect on Labor Day and the evidence seized at Moore's residence.

1 In a basement storage area of Moore's residence, officers recovered several items
 2 and materials that can be used in the manufacture of explosives, including consumer
 3 fireworks, Meal Ready to Eat (MRE) flameless ration heaters (FRH), a 50-pack of
 4 Diamond Deluxe matchbooks, a four-pound bag of bulk potassium nitrate, and Goex
 5 FFFFg black powder.¹³ Officers also recovered a large assortment of gas masks, wrist-
 6 rockets, potato cannons, bolt cutters, paint, water guns, and climbing harnesses.

7 **3. Information Provided by Conspirator 2.**

8 During the Fall of 2021, investigators interviewed Conspirator 2 on three
 9 occasions.¹⁴ Conspirator 2 confirmed that she and Conspirator 1 came up with a plan to
 10 target the SPOG with Molotov cocktails on Labor Day 2020; they were attempting to find
 11 others to join them; they met together and with Conspirator 3 and Conspirator 4 as
 12 discussed over their Signal communications; and they attended the protest together.

13 Regarding the events of Labor Day, Conspirator 2 stated that she met up with
 14 Conspirator 1 and Conspirator 3 at Cal Anderson Park prior to the protest. At the
 15 beginning of the march – as the crowd headed toward the SPOG building – Conspirator 2
 16 was walking with Conspirator 1 and Conspirator 3. Along the way, Conspirator 3
 17 pointed out Moore in the crowd. Conspirator 3 told Conspirator 2 that “Potato” had
 18 arrived and was there “to help.” Conspirator 2 observed that Moore was carrying a large
 19 item in his hands in front of his body.

20 Conspirator 2 stated that she got separated from Conspirator 1 and Conspirator 3
 21 after the police dispersed the crowd in front of the SPOG. Conspirator 1 and
 22

23
 24 ¹³ Based on my training and experience, and that of other FBI agents with whom I have consulted, I understand that
 25 each MRE FRH contains approximately eight grams or less of powdered magnesium. Magnesium is a fuel
 26 commonly used in the production of fuel/oxidizer explosive mixtures. Match heads contain potassium chlorate and
 27 are often used as a source of potassium chlorate in the production of improvised explosives. Potassium chlorate and
 potassium nitrate are oxidizers commonly used in the production of fuel/oxidizer explosive mixtures. Goex black
 powder is a commercially produced low explosive. FFFFg black powder is the finest grain black powder
 commercially produced, allowing it to burn at faster rates than larger grain black powder.

28 ¹⁴ Conspirator 2 provided information in hopes of obtaining consideration as to a pending charge of Attempted
 Arson in the First Degree in King County Superior Court and/or as to potential federal charges.

1 | Conspirator 2 were trying to find each other, and Conspirator 3 was attempting to locate
2 | Moore. Ultimately, they all ended up at Judkins Park.

3 | Later that evening, Conspirator 1, Conspirator 2, Conspirator 3, and Moore were
4 | together at Cal Anderson Park. Moore viewed an SPD Twitter post with a photo of the
5 | recovered Corona box of Molotov cocktails. Moore acknowledged carrying the Molotov
6 | cocktails and commented that no one would ever figure it out and he would get away
7 | with it. Moore also commented that a lot of people were wearing black bloc, but he was
8 | “dressed like everybody else.”

9 | Conspirator 2 explained that she met Moore during the summer of 2020 through
10 | their mutual participation in various protest events. Conspirator 2 knew Moore by the
11 | name “Potato.” According to Conspirator 2, Moore told her that he was a Marine Corps
12 | veteran.¹⁵ Conspirator 2 was also aware that Moore was friends with Witness 1.
13 | Conspirator 2 viewed a photo montage and identified Moore’s photo as “Potato.” In
14 | addition, Conspirator 2 viewed several of the above photographs and video stills taken of
15 | the Molotov cocktail suspect from Labor Day 2020 and identified each of the images as
16 | “Potato”/Moore. Conspirator 2 also viewed several other video stills and photos taken
17 | from Labor Day 2020 and identified herself, Conspirator 1, and Conspirator 3 in various
18 | images. Conspirator 2 further identified Conspirators 1, 3, and 4 in photo montages.

19 | **4. Voice Identification of Moore at the Labor Day March.**

20 | Investigating agents have obtained two videos taken on Labor Day 2020 that
21 | capture the suspect who was carrying the Corona box walking down the street and
22 | speaking. The footage was taken after the crowd was dispersed and the suspect had
23 | abandoned the box of Molotov cocktails. The footage contains audio and the suspect’s
24 | voice can be clearly heard. One of the videos was obtained via a live stream and the
25 | other was captured by the body-worn camera of an SPD officer who was in the crowd.

26 |
27 |
28 | ¹⁵ The FBI has obtained records confirming that Moore, indeed, served in the Marine Corps.

1 A Renton Police Department officer who investigated the domestic dispute
 2 between Witness 1 and Moore reviewed the live stream video. The officer had recently
 3 interviewed Moore as part of that investigation. The officer confirmed that the voice of
 4 the suspect matched Moore's voice. Witness 1 also reviewed the video and identified the
 5 speaker's voice as Moore's.

6 **H. The Destructive Devices.**

7 FBI agents have conferred with an ATF Senior Explosives Enforcement Officer
 8 (EEO). An EEO has the responsibility within the ATF for making Device
 9 Determinations under the National Firearms Act, as required by 27 C.F.R. § 478.27. The
 10 EEO conducted an initial review of photographs and reports documenting the recovered
 11 devices. According to the EEO, the twelve glass containers filled with gasoline and fitted
 12 with wicks, commonly known as "Molotov cocktails," were designed as weapons and are
 13 each properly classified as an "incendiary bomb."¹⁶ Incendiary bombs are "destructive
 14 devices" as that term is defined in 26 U.S.C. § 5845(f) and are therefore regulated in
 15 accordance with the Federal Firearms Regulations. Additionally, the EEO advised that
 16 incendiary bombs fall within the definition of "incendiary device" found in


17
 18 ¹⁶ The Ninth Circuit Court of Appeals recently reaffirmed the well-settled proposition that a Molotov cocktail device
 19 constitutes a "destructive device" under federal law. *United States v. Barker*, 689 Fed. Appx. 555 (9th Cir. 2017)
 20 ("We hold that a Molotov cocktail fits within the firearm category of 'a destructive device.' A Molotov cocktail is
 21 an incendiary device that is quite similar to a grenade. Therefore, possession constitutes a crime of violence.").
 22 Federal "courts have uniformly held that a fully-assembled Molotov cocktail device – defined as a device
 23 comprising a bottle, gasoline, and a rag – constitutes an 'incendiary ... bomb' or 'similar device' under section
 24 5845(f)." *United States v. Simmons*, 83 F.3d 686, 687–88 (4th Cir. 1996) (citing *United States v. Peterson*, 475 F.2d
 25 806, 811 (9th Cir. 1973) (device comparable to a Molotov cocktail was a "destructive device"); *United States v.*
 26 *Neal*, 692 F.2d 1296, 1303-04 (10th Cir.1982) (affirming conviction for possession of a destructive device made
 27 from "a one gallon plastic jug, a flammable liquid, and a rag wick"); *United States v. Campbell*, 685 F.2d 131, 132
 28 (5th Cir.1982) (sustaining indictment for possession of a destructive device "made from cloth rags, [and] flammable
 liquid with a fuse made of incense sticks"); *United States v. Ross*, 458 F.2d 1144, 1144-46, 1144 n. 1 (5th Cir. 1972)
 (affirming conviction for possession of "crude incendiary devices" consisting of "a quart glass bottle with cloth
 therein and containing a flammable liquid and having a cloth wick in the mouth of said bottle); *United States v.*
Curtis, 520 F.2d 1300, 1304 (1st Cir.1975) ("[W]hile gasoline, bottles and rags all may be legally possessed, their
 combination into the type of home-made incendiary bomb commonly known as a Molotov cocktail creates a
 destructive device."); *United States v. Wilson*, 546 F.2d 1175, 1177 (5th Cir.) (same); *United States v. Tankersley*,
 492 F.2d 962, 966 (7th Cir.1974) (affirming conviction for possession of a "destructive device" which consisted of
 "a bottle, a firecracker and tape, and paint remover: the components of a Molotov cocktail"))).

1 18 U.S.C. § 232(5) and are therefore explosives as that term is defined in 18 U.S.C.
2 §844(j). The EEO further advised that he would need to conduct additional analysis
3 before making a final Device Determination and submitting it for peer review and
4 approval by the Explosives Enforcement Branch.

5 ATF agents involved with this investigation have confirmed that Justin
6 Christopher Moore had not registered any destructive devices as required under the
7 National Firearms Act.

8 **CONCLUSION**

9 Based on the foregoing, I respectfully submit that there is probable cause to
10 believe that Justin Christopher Moore committed the offense set forth above in this
11 Complaint.

12
13 
14 KATHERINE MURPHY
15 Special Agent, FBI

16 The above-named agent provided a sworn statement attesting to the truth of the
17 contents of the foregoing affidavit on the 23 day of November, 2021. Based on the
18 information contained in this affidavit, the Court hereby finds that there is probable cause
19 to believe the Defendant committed the offense set forth in the Complaint.

20
21 
22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge
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